## MINUTES OF THE BOARD OF POLICE COMMISSIONERS MEETING TUESDAY, APRIL 24, 2012

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, April 24, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri.

#### PRESENT:

Commissioner Patrick McInerney, President Commissioner Alvin L. Brooks, Vice President Commissioner Angela Wasson-Hunt, Treasurer Commissioner Lisa T. Pelofsky, Member Mayor Sylvester "Sly" James, Jr., Member Darryl Forté, Chief of Police Mr. David V. Kenner, Secretary/Attorney

This meeting was called to order at 9:03 a.m. by Commissioner McInerney. Mayor James was absent at the beginning of the meeting. The invocation was provided by Pastor Kenneth Ray.

1. Former Chief Rick Easley, Kansas City Crime Commission. Chief Easley presented the March 2012 Crime Stoppers Monthly Update. Chief Easley said that through March 2012, TIPS assigned code numbers to 948 calls. These calls resulted in 56 arrests and cleared 101 cases. TIPS rewards that were paid out during this reporting period totaled \$10,300.

Chief Easley said over 170 outlets in the community help to sell the "Kansas City's Most Wanted" newspaper.

Chief Easley said Chief Forté has been very supportive of the Second Chance Program and has assigned Sergeant Gary Cooley to assist with this program.

- 2. Mr. Gary White, City Auditor. Mr. White presented the monthly status report dated April 3, 2012. He said his office has begun working on the scope statement for the police video records audit and will keep the Board informed as to the progress, but does not know when it will be done.
- 3. <u>Councilman John Sharp</u>. Councilman Sharp expressed his appreciation for the new South Patrol building. Councilman Sharp also thanked the Department for Division Commander presence at the weekly Public Safety and Neighborhoods Committee meetings.

With regard to the truancy ordinance, Councilman Sharp stated there have been several hearings to discuss this topic. He said he appreciates the Department's willingness to help the school district and the community with the truancy problem. A meeting was held yesterday that included members from the police department, city council, and school district. A general agreement was reached that the truancy problem will be treated proactively by utilizing the records of the school district to determine who the worst offenders are. Citations could then be issued to them without the necessity of the police department finding the truant out on the street while school is in session.

Mayor James returned to the meeting at 9:28 a.m.

4. Ms. I. Pearl Fain. Ms. Fain presented the monthly statistical report for March 2012. This report is maintained in the Office of Community Complaints.
OCC received a total of 36 complaints for the month of March 2012, and 13 of these complaints were submitted to the Internal Affairs Unit for Investigation.

Commissioner Brooks noted that use of force complaints have increased.

Ms. Fain had no explanation; however, she will research the topic.

### 5. Public comments.

Mr. Brad Haines, Executive Director of Families for Home Education, said his organization represents the rights of home educators. He said his organization was concerned about the daytime curfew imposed by the proposed new truancy ordinance, however, the issues have been resolved and Families for Home Education support this new ordinance.

Commissioner Brooks asked how many children are home schooled. Mr. Haines estimated 10,000 in the Kansas City area.

Ms. Sally Osborne, block watch captain in her neighborhood at 40<sup>th</sup> and Chestnut to 37<sup>th</sup> and Prospect, addressed the Board with her concerns about a drug house that she has been working to shut down at 2904 E. 30<sup>th</sup> Street for six years. Ms. Osborne was upset that commanders who worked in her neighborhood have been transferred and she feels the current commanders are not as responsive to the needs of the neighborhood. Chief Forté told Ms. Osborne to contact Deputy Chief Rose and the Chief said he has complete confidence in Major Fletcher's ability to address issues in the neighborhood.

**6.** <u>City Architects report.</u> Mr. Eric Bosch provided the Board with an update on the current construction and renovation projects.

Mr. Bosch submitted photographs of the SPD/SOD construction site. He said topsoil and landscaping are going in. With regard to the interior, sheetrock, ceilings, and flooring are being installed.

With regard to EPD and the crime lab, he submitted a handout of Helix's WBE/MBE percentages and the dollar value of each of the 22 consultants on the team. Mr. Bosch said 85 percent of the homeowners involved have agreed to sell their property to the City. Homes in the possession of the City will be boarded up for security reasons.

Commissioner Brooks thanked Mr. Bosch, Deputy Chief Gallagher and Helix Architects for the presentation made last Saturday in the community. He said this project should be a model for women and minority participation.

With regard to the headquarters renovation project, window installation is going well. The average time per window installation is 37 minutes. Bids were accepted for the interior work and six bids were received and the bidders are required to submit their WBE/MBE percentages within 48 hours. Only two bidders complied with this requirement. Mr. Bosch said the City is reviewing JE Dunn's contract for WBE/MBE goals which are 23.5 and 10.1. A meeting was held with the city manager to discuss funding for this building. The base bid from JE Dunn was \$24,375,000 and the architect estimate was just under \$22,000,000. Titan construction's WBE/MBE goals were 15.5 and 20.1. Titan's base bid was \$24,959,000. While these bids are over-budget, there are some savings anticipated from the South Patrol project and there are some other revenues that can be used so that all alternatives may be constructed, including streetscape completion, traffic signal upgrades, new roof on the communications building, 5<sup>th</sup> floor improvements to communications building, and a fitness room in the basement of the headquarters building.

Commissioner Wasson-Hunt inquired to Director Netzel whether everything was going well with the new crime lab project. Director Netzel confirmed that it was.

Commissioner Pelofsky temporarily left the meeting.

### 7. Administration Bureau.

a. <u>Deferred compensation committee</u>. Deputy Chief Masters presented a memorandum dated January 11, 2012, nominating Director Nick Nichols and Major Phillip Lawler to serve as chairperson and vice chairperson respectively, on the Deferred Compensation Committee.

A motion was made by Commissioner Brooks, and a second by Commissioner Wasson-Hunt approving the appointment of Director Nick Nichols as chairperson, and Major Phillip Lawler as vice chairperson, of the Deferred Compensation Committee. The vote was 4-0 in favor.

b. <u>Personnel summary</u>. Deputy Chief Masters submitted the Personnel Summary dated March 31, 2012. Current department strength is 1,963 police officers compared to 1,962 for this same time period in 2011. There are 564 civilians compared to 571 for the same time period 2011.

Commissioner Pelofsky returned to the meeting.

Deputy Chief Masters said the Sprint upgrade project for Kansas City is progressing as scheduled. Commissioner Wasson-Hunt asked if the complaints have decreased related to connectivity issues, etc. Officer Mike Grigsby said the complaints have decreased and IT personnel continue to meet with officers in the field. REJIS brought a technical team to Kansas City to examine signal strength,

etc. The REJIS team found a connection speed difference and this will be investigated to determine the cause.

Deputy Chief Masters said as MDC's are replaced in the patrol cars, complaints will continue to decrease.

#### 8. Investigations Bureau.

a. <u>Crime summary</u>. Deputy Chief Randy Hundley stated that to date there have been 39 homicides compared to 26 for the same time period in 2011.

With regard to drive-by shootings, there have been 13 in February 2012, as compared to 11 in February 2011.

The Cold Case Sex Crimes backlog disposition is currently at 1,635 cases in need of review.

Deputy Chief Hundley submitted the Narcotics and Vice Summary for March 2012. This report is Attachment "A" and is made a part of these minutes.

Commissioner Brooks asked the dollar value of the drugs recovered.

Deputy Chief Hundley said he will find out.

Commissioner McInerney asked about the increase in bias incidents and asked if any of these incidents have been filed with the prosecutor as bias crimes. Deputy Chief Hundley said he cannot explain the increase and he said currently none have been filed as bias crimes and some are still under investigation.

### 9. Patrol Bureau.

Deputy Chief Cheryl Rose presented the Monthly Crime Summary for February 2012. This report is Attachment "B" to these minutes. Also submitted was the March 2012, Traffic Summary which is marked as Attachment "C" to these minutes.

With regard to response times, the Department was below the goal on Priority 10 calls and just over the goal on the Priority 20 calls. The response time goal was met 51 percent of the time.

Deputy Chief Rose said that during the month of March 2012, there were six fatal crashes compared to four during February 2012.

Deputy Chief Rose discussed the summer security plan for the Country Club Plaza. She said so far this year there have been no problems at the Plaza similar to those last summer. Mayor James asked Deputy Chief Rose to estimate the number of young people at the Plaza. She estimated between 100 and 200 teen and pre-teens, but there were no large groups. Deputy Chief Rose said the Westport area was calm also, however, she anticipated it will become more crowded once college is over for the summer.

Commissioner McInerney inquired about seatbelt enforcement efforts related to fatality accidents. Deputy Chief Rose said the Department receives grant money from the State of Missouri each year for seatbelt enforcement. She said seatbelt enforcement efforts have occurred for years and that people are simply choosing not to wear seatbelts.

Commissioner Brooks thanked Deputy Chief Rose and others involved in investigating a matter that was brought to his attention by a citizen.

- Professional Development & Research Bureau. Captain Kevin Murdock presented the following policies for approval.
- a. <u>Project #540, Personnel Policy 233-4 Age Limits</u>. He advised that minor changes were made to this policy as related to changes in mandatory retirement.

Commissioner Wasson-Hunt asked why applications for continued employment still come before the Board for approval every year. Deputy Chief Higgins advised that this is a function of Human Resources. Chief Forté said he agrees with eliminating the application for continued employment. Deputy Chief Higgins will research this topic and bring it before the Board at a future meeting.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt to approve the revisions to Personnel Policy 233-4, Age Limits. The vote was 5-0 in favor.

b. <u>Project #465, PPBM 210-1, Public Safety Officers Benefits Act and PPBM 927-2, Police Relief Associations</u>. Captain Murdock said these policies were combined into one and said otherwise only minor changes were made.

A motion was made by Commissioner Wasson-Hunt, and a second by Mayor James to approve the revisions to PPBM 210-1, Public Safety Officers Benefits Act and PPBM 927-2, Police Relief Associations. The vote was 5-0 in favor.

c. <u>Project #442, Procedural Instruction 06-12, Pursuits and Emergency Police Vehicle Operations</u>. Captain Murdock advised that the changes made to this policy were numerous yet were made for the purpose of consistency and formatting. This was the mandatory five-year review of this policy.

Commissioner McInerney inquired about probable cause necessary to initiate a pursuit. He also questioned some of the policy language related to "exceptional circumstances" and "rare and exceptional."

Commissioner Wasson-Hunt asked why roadblocks are prohibited.

Deputy Chief Gallagher said they are too dangerous because if a perpetrator does not have an avenue of escape they may create extreme traffic hazards to avoid the roadblock.

Mayor James asked if it is the officer or a commander who makes the decision to use push bumpers in the event of a chase. Captain Murdock said oversight is preferred in these situations, however, circumstances may require that the officer decide. Additionally, officers can make the decision to end a chase without the approval of a commander.

A motion was made by Commissioner Brooks, and a second by Commissioner Wasson-Hunt approving the revisions to Procedural Instruction 06-12, Pursuits and Emergency Police Vehicle Operations. The vote was 5-0 in favor.

### 11. Executive Services Bureau.

a. South Campus KC Police Credit Union MOU, with revisions.

Deputy Chief Gallagher presented a memorandum dated April 12, 2012, recommending approval of the MOU allowing the KCPCU credit union to have branch office located at the new SPD/SOD campus.

Commissioner Wasson-Hunt asked if the MOU needs to define the term "reasonable notice" in the event that the KCPCU be asked to vacate their offices for use during a public emergency. Deputy Chief Gallagher said he believes that vacating the premises will not be an issue for credit union if they are asked to do so.

Commissioner Wasson-Hunt asked if the \$1.00 fee for is adequate consideration for the MOU to be valid. Mr. David Kenner said yes.

Commissioner Wasson-Hunt also asked about the credit union signage.

Major Sharon Laningham signage has been discussed with the credit union and she feels certain that a sign will be chosen that will be amenable to both parties.

Commissioner Wasson-Hunt asked if language should be included that addresses the issue if the KCPCU regulatory agency seizes or takes over the credit union. Mr. David Kenner said the credit union has the power to stay in these instances regardless of the MOU provisions.

A motion was made by Commissioner Wasson-Hunt, and a second by Mayor James approving the MOU as presented. The motion was 5-0 in favor.

b. <u>Fitness equipment, SPD/SOD</u>. Deputy Chief Gallagher presented a memorandum dated April 9, 2012, recommending approval of the sole source

purchase of fitness equipment from Advanced Exercise Equipment, for a total expenditure of \$179,936.81.

A motion was made by Commissioner Brooks, and a second by Mayor James approving the purchase of fitness equipment from Advanced Exercise Equipment for a total expenditure of \$179,963.81. The vote was 5-0 in favor.

c. <u>COPLINK annual maintenance fee payment, Invoice 111348</u>.

Deputy Chief Gallagher presented a memorandum dated March 27, 2012, recommending approval from the Board to pay the COPLINK annual maintenance fee invoice from the ETAC fund in the amount of \$105,240. The contract period is from September 1, 2011 through August 31, 2012.

A motion was made by Commissioner Wasson-Hunt, and a second by Commissioner Brooks approving the payment of COPLINK annual maintenance fee from the ETAC fund in the amount of \$105,240. The vote was 5-0 in favor.

d. <u>Budget transfers for fiscal year 2011-12</u>.

Deputy Chief Gallagher submitted a memorandum dated April 11, 2012, outlining the details of these budget transfers. A copy of this memorandum is Attachment "D" and made a part of these minutes.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt approving the budget transfers as presented. The vote was 5-0 in favor.

e. <u>Adoption of fiscal year 2012-13 budget</u>. Deputy Chief Gallagher presented a memorandum dated April 12, 2012, recommending adoption of the fiscal year 2012-13 budget. The total budget for new appropriations from all

sources is \$213,840,903 compared to \$220,400,836 for fiscal year 2011-12. A copy of this memorandum is Attachment "E" and made a part of these minutes.

Mr. Paul Kies from the Budget Unit discussed some last minute changes to the budget.

A motion was made by Commissioner Wasson-Hunt, and a second by Commissioner Brooks approving the budget as presented. The vote was 5-0 in favor.

### f. Supplemental appropriations for fiscal year 2012-13.

Deputy Chief Gallagher presented a memorandum dated April 11, 2012, recommending approval to establish accounts for management of the Foot Patrol Project grant in the amount of \$299,730. A copy of this memorandum is Attachment "F" and made a part of these minutes.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt approving the establishment of supplemental appropriations as presented. The vote was 5-0 in favor.

- g. <u>Status of public safety sales tax at the end of March</u>. Deputy Chief Gallagher presented a memorandum dated April 9, 2012, as an informational item only.
- h. <u>Budget Summary for the month of January</u>. Deputy Chief Gallagher submitted this memorandum, dated April 10, 2012, for informational purposes only. A copy of this memorandum is Attachment "G" and made a part of these minutes.

i. <u>Excess Workers' Compensation coverage renewal</u>. Deputy Chief Gallagher presented a memorandum dated April 11, 2012, recommending the purchase of \$500,000 of excess Workers' Compensation insurance coverage from Lockton Companies, Inc., in the amount of \$127,721. The contract period is from May 1, 2012 through April 30, 2013.

A motion was made by Commissioner Brooks, and a second by Commissioner Wasson-Hunt approving the one-year contract renewal with Lockton Companies, Inc. for the purchase of excess Workers' Compensation insurance coverage in the amount of \$127,721. The vote was 5-0 in favor.

j. <u>Blanket building and property and garage physical damage</u> <u>coverage</u>. Deputy Chief Gallagher presented a memorandum dated April 11, 2012, recommending the purchase of insurance coverage from Lockton Companies, Inc. for an annual premium of \$109,389. The contract period is May 1, 2012 through April 31, 2013.

A motion was made by Commissioner Wasson-Hunt, and a second by Commissioner Pelofsky approving the purchase of property damage insurance from Lockton Companies, Inc., for an annual premium of \$109,389. The vote was 5-0 in favor.

k. <u>Virtual desktop infrastructure deployment</u>. Deputy Chief Gallagher submitted a memorandum dated April 11, 2012, recommending approval for the award of a sole source contract to Alexander Open Systems to provide hardware/software and installation/project management services for virtual

desktop infrastructure deployment at a cost of \$322,660.32. The vote was 5-0 in favor.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt approving the contract with Alexander Open Systems for the virtual desktop infrastructure deployment at a cost of \$322,660.32.

I. Additional network storage request. Deputy Chief Gallagher submitted a memorandum dated April 11, 2012, recommending approval for the purchase of additional network storage equipment from Alexander Open Systems at a cost of \$309,800.49. Additionally, Deputy Chief Gallagher recommended approval for the sole source purchase of electrical installation from R.F. Fisher at a cost of \$3,981.00. The total anticipated expenditure is \$313,781.49. The vote was 5-0 in favor.

A motion was made by Commissioner Wasson-Hunt, and a second by Commissioner Brooks approving the purchase of additional network storage from Alexander Open Systems and the purchase of electrical installation from R.F. Fisher for a total expenditure of \$313,781.49.

- m. <u>South Patrol Division/Special Operations Division/911 backup</u> <u>center</u>. Deputy Chief Gallagher presented a memorandum dated April 11, 2012, recommending approval to purchase computers and equipment from Dell utilizing the Western States Contracting Alliance for a total expenditure of \$285,790.44
- n. <u>South Patrol Division/Special Operations Division video</u>
  <u>surveillance/interrogation system</u>. Deputy Chief Gallagher presented a
  memorandum dated April 11, 2012, recommending approval for the sole source

purchase of hardware/software and professional services from IPVision at a cost of \$140,535.28 and the sole source purchase of software licensing from Insight/MediSolv at a cost of \$10,900 for a total expenditure of \$151,435.28.

o. <u>South Patrol Division/Special Operations Division furniture items.</u>

Deputy Chief Gallagher presented a memorandum dated April 12, 2012, recommending approval for the purchase of furniture from the following vendors:

Encompas \$1,200,060.00

Business Interiors by Staples \$54,119.24

John A. Marshall Company \$52,681.34

Office Works Scott Rice \$11,549.26

The anticipated expenditure for the four vendors is \$1,318,409.84, plus a 10 percent contingency of \$131,840.98, for a total anticipated expenditure of \$1,450,250.82.

p. <u>South Patrol Division/Special Operations Division network</u> <u>hardware/software and services</u>. Deputy Chief Gallagher presented a memorandum dated April 9, 2012, recommending approval for the purchase of Cisco hardware/software and professional services from Alexander Open Systems utilizing the State of Kansas Contract at a cost of \$654,961.54 for the network core backbone hardware/software and \$92,550 for professional services for a total expenditure of \$747,511.54.

A motion was made by Commissioner Wasson-Hunt, and a second by Mayor James approving purchases as presented in items m., n., o., and p. above. The vote was 5-0 in favor.

q. <u>Acceptance of the Kansas City Metropolitan Enforcement</u>

Response Task Force Cooperative Award #G12MW0005A. Deputy Chief

Gallagher presented a memorandum dated April 11, 2012, recommending acceptance of this federally funded award from the Office of National Drug Control Policy for the period beginning January 1, 2012 and ending December 31, 2013. The total award is \$1,005,405.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt approving the acceptance of the award from the Office of National Drug Control Policy in the amount of \$1,005,405. The vote was 5-0 in favor.

r. <u>Shotspotter® contract</u>. Deputy Chief Gallagher recommended Board approval for assignment of a capital lease and to approve the cooperative agreement between the KCATA and the Police Board.

Commissioner Wasson-Hunt requested an executive summary of this topic. Ms. Virginia Murray provided a verbal summary of discussions, negotiations, and provisions of this capital lease.

Commissioner Wasson-Hunt asked about the financial risk to the Department if Shotspotter® collapses financially. Ms. Murray said this was taken into consideration and that is why a payment plan has been established, however, the Department could ultimately be responsible for reimbursing the total amount of the grant funds. By establishing a payment plan, the final payment is not due until February 28, 2014.

A motion was made by Commissioner Brooks, and a second by

Commissioner Pelofsky approving the Shotspotter® contract as presented. The

vote was 5-0 in favor.

Commissioner Wasson-Hunt complimented Major Gallagher on the

improvement to 901 Charlotte.

12. Major James Pruetting.

a. Monthly OCC investigation report. Major James Pruetting

discussed the March 2012, OCC report and reported that there were 21 OCC's

under investigation and none have been granted an extension beyond 60 days.

IAU received 42 OCC's this year compared to 38 for the same period last year. A

total of 48 investigations have been completed and forwarded to OCC compared

to 43 for the same period last year.

**13.** Audit Committee update. Commissioner Wasson-Hunt had nothing to

report at this time.

**14.** Fraternal Order of Police Lodge No. 99. Officer Steve Miller has

nothing to report at this time.

**15.** Commissioner Alvin Brooks. Commissioner Brooks inquired about the

call taker training session and asked about staffing levels. Deputy Chief Masters

said all open positions have been filled.

16. <u>Scheduled meetings</u>.

Regular Board Meetings:

Tuesday, May 22, 2012

9:00 a.m., 6<sup>th</sup> floor, Board room

17

Tuesday, June 26, 2012 9:00 a.m., 6<sup>th</sup> floor, Board room

#### Business Sessions:

Thursday, May 10, 2012 9:00 a.m., 6<sup>th</sup> floor, Board room

Thursday, June 14, 2012 9:00 a.m., 6<sup>th</sup> floor, Board room

### **Board Hearing:**

In the Matter of the Disciplinary Proceedings of: Police Officer Anthony Melkowski Tuesday, June 26, 2012 8:00 a.m., 6<sup>th</sup> floor Board room

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt the Board voted to go into closed session at 11:05 a.m. to discuss legal matters, employment matters, preparation for negotiations with employees and litigation matters. The vote was 5-0 in favor.

Mayor James subsequently left the meeting.

#### RESOLUTION

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on January 25, 2012, and

WHEREAS, said notice indicated that the Board of Police Commissioners might go into closed session during said meeting, and

WHEREAS, notice of the closed meeting follows the guidelines of Section 610.020 of the Revised Statutes of Missouri.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Police Commissioners go into closed session during the meeting being held on Tuesday, April 24, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri, for the purpose of discussing litigation, legal issues and/or personnel issues.

The following Commissioners were present and voted to go into closed session as follows:

Commissioner Patrick McInerney - Aye
Commissioner Lisa T. Pelofsky - Aye
Commissioner Alvin Brooks - Aye
Commissioner Wasson-Hunt - Aye
Mayor Sylvester "Sly" James, Jr. - Aye

There being a quorum present and the question of holding a closed session having received an affirmative public vote of at least three (3) members, a closed meeting was held as set forth above.

The following votes were held on April 24, 2012, in a closed session (present were Commissioners McInerney, Brooks, Wasson-Hunt and Pelofsky).

- 1) Following a motion by Commissioner Brooks and a second by Commissioner Wasson-Hunt, the Board voted to authorize the hiring of Rick Lees as a Polygraph Examiner, but to waive the residency requirement pursuant to Personnel Policy 205-3, due to his specialized skills and qualifications, his performance with the Department since 2006 as a Contract Examiner, and the inability to find a candidate who lived in (or was willing to relocate to) Kansas City, Missouri. The vote was 4-0 in favor.
- 2) Following a motion by Commissioner Pelofsky and a second by Commissioner Brooks, the Board voted to approve the lease of certain vehicles for covert operations. The vote was 4-0 in favor.
- 3) Following a motion by Commissioner Brooks and a second by Commissioner Pelofsky, the Board voted to go into executive closed session. The vote was 4-0 in favor.

- 4) Following a motion by Commissioner Brooks and a second by Commissioner Pelofsky, the Board voted to approve a raise for Chief Forté in an amount to be determined. The vote was 4-0 in favor.
- 5) Following a motion by Commissioner Brooks and a second by Commissioner Pelofsky, the Board voted to go out of closed session and to adjourn. The vote was 4-0 in favor.

	President
ecretary/Attorney	